IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3912 of 2007()

C.C.646/A/06 OF METROPOLITAN MAGISTRATE COURT, COURT NO.3
GROUND FLOOR, ROHINI, NEW DELHI - 85)

PETITIONER/ACCUSED

ANTONY DENNIS BONIFACE, AGED 55 YEARS,
S/O LATE K.A.JOSEPH, MANAGING PARTNER,
M.J.EXPORTS, THOPPUMPADY, KOCHI-682005.

BY ADV. SRI.JIMMY GEORGE (VATTATHARA)

RESPONDENTS: COMPLAINANT

STATE OF KERALA(COMMISSIONER OF POLICE,
KOCHI CITY, ERNAKULAM) REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 3912 of 2007

- -

Dated this the 29th day of June, 2007

O R D E R

The petitioner faces allegations under Sections 138 and 420 I.P.C. in a private complaint filed before the Metropolitan Magistrate Court No.3, Ground Floor, Rohini, New Delh in C.C.No. 646/A/06. A warrant of arrest has been issued against the petitioner by the learned Magistrate. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner shall appear before the learned Magistrate if some time were granted to the petitioner. The undeserved and unnecessary consequences of arrest, detention and being carried to Delhi under detention may be avoided by issuing appropriate direction under Section 438 Cr.P.C., he prays.

3. The learned Prosecutor does not oppose the application. He submits that appropriate orders may be passed.

4. I am satisfied that on condition that the petitioner shall appear before the learned Metropolitan Magistrate at Delhi on a specified date, the petitioner can be granted anticipatory bail.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Chief Judicial Magistrate on 9.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate, undertaking to appear before the learned Magistrate at Delhi on or before 9.8.2007.

(b) The petitioner shall appear before the learned Magistrate at Delhi on or before 9.8.2007 and shall abide by the directions regarding bail to be issued by the learned Chief Judicial Magistrate on such surrender thereafter.

© The petitioner shall on or before 16.8.2007 report to the learned Chief Judicial Magistrate the compliance with direction (b) above, failing which the learned C.J.M. shall proceed to take action against the petitioner and his sureties under Section 446 Cr.P.C.

(d) If the petitioner does not appear before the learned Chief Judicial Magistrate on 9.7.07 or before the Magistrate at Delhi on or before

9.8.2007, these directions shall lapse on 9.7.07 or 9.8.2007 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 9.7.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.1,00,000/- without any surety undertaking to appear before the learned Magistrate on 9.7.2007.

(R. BASANT)
Judge

tm